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8 Counsel For Plaintiff
9 WILLIAM WALTERS

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 WILLIAM WALTERS, an individual,
13 Plaintiff,

14 v.

15 COOPERS PICKS, LLC a Florida limited
liability company; MICHAEL COOPER,
16 an individual; RICHART RUDDIE, an
individual; RYAN HOLZMAN, an
individual; BRAD GREENBERG, an
individual; JM PICKS, an entity doing
business in New York; JOHN MACK, an
individual; RICH GARAFOLA, an
individual; GLEN PETRELLI, an
individual; SAL DeCARLO, an
individual; WILLIAM "BILL" CONTI,
an individual; D I GLOBAL
17 MARKETING, LLC a New York limited
liability company; DANIAL ITAHOV, an
individual; CHRIS HATTON, an
individual,

18 Defendants.

Case No.: 2:12-cv-01541-JCM-CWH

19 **ORDER GRANTING**
20 **PRELIMINARY INJUNCTION**

21 This matter having come before the Honorable James C. Mahan on September 11, 2012,
22 Mark Tratos, of the law firm Greenberg Traurig, LLP, appearing on behalf of Plaintiff William
23 Walters ("Walters" or "plaintiff") and no appearance being made on behalf of Defendants Coopers

1 Picks, LLC, Michael Cooper, Richart Ruddie, Ryan Holzman, Brad Greenberg (collectively
 2 “Cooper defendants”), JM Picks, John Mack, Rich Garafola, Glen Petrelli, Sal DeCarlo (collectively
 3 “JM defendants”), William Conti (“Conti”), DI Global Marketing, LLC, Danial Itahov (collectively
 4 “DIGM defendants”) and Chris Hatton (“Hatton”) (collectively “defendants”), and good cause
 5 appearing therefore, this court hereby finds and orders as follows:

6 1. This court has subject matter jurisdiction pursuant to 15 U.S.C. § 1125 and 28 U.S.C.
 7 §§ 1331 and 1338;

8 2. The court has personal jurisdiction over the defendants in that defendants regularly
 9 conduct business via the internet in the state of Nevada, and claim to conduct business relating to
 10 sports betting in Las Vegas, in association with the plaintiff who resides in Las Vegas, Nevada, and
 11 defendants committed tortious acts that they knew or should have known would cause injury to
 12 plaintiff in the state of Nevada;

13 3. Plaintiff, William (Bill) Walters, is a world-renowned sports bettor, who has studied
 14 and analyzed gaming for more than twenty years and has developed an unmatched expertise in
 15 sports betting. Mr. Walters has invested millions of dollars over the years in technology and analysis
 16 of gaming activities. He has earned hundreds of millions of dollars from his gaming investments.

17 4. On August 31, 2012, all of the defendants were served with the complaint and
 18 summons in this action, plaintiff’s application for temporary restraining order and motion for
 19 preliminary injunction (“motion”) and the temporary restraining order (“TRO”) entered by this court
 20 on August 30, 2012 by electronic mail in accordance with Rules 4 and 5 of the Federal Rules of
 21 Civil Procedure.

22 5. On September 5 and 6, 2012, the Coopers defendants were personally served with the
 23 complaint and summons, motion and TRO.

24 6. On September 1, 2012, the DIGM defendants were personally served with the
 25 complaint, summons, motion and TRO.

26 7. On September 6, 2012, defendant Hatton was personally served with the complaint,
 27 summons, motion and TRO.

28 / / /

1 8. On September 5, 2012 and September 7, 2012, service of the complaint, summons,
 2 motions and TRO was unsuccessfully attempted at the company address listed as the contact
 3 information on the registrar's WHOIS.com report for the JM defendants. Although registrants are
 4 required to provide current contact information to the registrar(s) of their domain name(s), the
 5 process server was told this address was vacant.

6 9. Plaintiff, in compliance with the order of this court, filed a bond in the amount of one
 7 thousand and no/100 dollars (\$1,000.00) on September 5, 2012.

8 10. Defendants have not yet made an appearance in this action.

9 11. The Cooper defendants have used plaintiff's name and image as part of their internet
 10 domain names <cooperspick.com> and <sportshandicappersmonitor.com> without plaintiff's
 11 authority or permission.

12 12. The JM defendants have used plaintiff's name and image as part of their internet
 13 domain names <jmpicks.com> and <jmpicks.net> without plaintiff's authority or permission.

14 13. Defendant Hatton has used plaintiff's name and image as part of his internet domain
 15 name <billywalterssportspicks.com> without plaintiff's authority or permission.

16 14. Defendant Conti has used plaintiff's name and image as part of his internet domain
 17 name <sportssyndicate.com> without plaintiff's authority or permission.

18 15. The DIGM defendants have used plaintiff's name and image as part of their internet
 19 domain name <howtoearnmoneybynet.com> without plaintiff's authority or permission.

20 16. The Cooper defendants have admitted that defendant Brad Greenberg is an alias and
 21 does not exist. The Cooper defendants have used plaintiff's name and image as part of their internet
 22 domain name <billywalterssportsbettingpicks.com> without plaintiff's authority or permission.

23 17. Plaintiff would suffer irreparable injury if the court does not require the domain name
 24 <billywalterssportspicks.com> registrar, godaddy.com, to lock the infringing domain name and
 25 transfer it to plaintiff pending litigation of this matter.

26 18. Plaintiff would suffer irreparable injury if the court does not require the domain name
 27 <billywalterssportsbettingpicks.com> registrar, domainsite.com, to lock the infringing domain name
 28 and transfer it to plaintiff pending litigation of this matter

1 19. Plaintiff has demonstrated likelihood of success on the merits of his false designation
 2 of origin claim against defendants under 15 U.S.C. § 1125(a).

3 20. Plaintiff has demonstrated likelihood of success on the merits of his anti-
 4 cybersquatting claim against defendants under the Lanham Act, 15 U.S.C. § 1125(d).

5 21. Plaintiff has demonstrated likelihood of success on the merits of his rights of
 6 publicity claim against defendants under N.R.S. §597.770, *et seq.*

7 22. Plaintiff has demonstrated likelihood of success on the merits of his deceptive trade
 8 practices claim against defendants under N.R.S. §598.0903, *et seq.*

9 23. Plaintiff has demonstrated likelihood of success on the merits of his civil conspiracy
 10 claim against defendants.

11 24. Plaintiff has demonstrated likelihood of success on the merits of his unjust
 12 enrichment claim against defendants.

13 25. Plaintiff has demonstrated likelihood of success on the merits of his conversion claim
 14 against defendants.

15 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that William Walter's
 16 motion for preliminary injunction is hereby GRANTED.

17 IT IS FURTHER ORDERED that pursuant to 15 U.S.C. § 1125(d)(1), the domain name
 18 <billywalterssportspicks.com> shall remain locked by the registrar, godaddy.com, and/or its
 19 successor registrars and in the possession of plaintiff, as ordered by this court in the temporary
 20 restraining order, dated August 30, 2012, throughout the pendency of this litigation;

21 IT IS FURTHER ORDERED that pursuant to 15 U.S.C. § 1125(d)(1), the domain name
 22 <billywalterssportsbettingpicks.com> shall remain locked by the registrar, domainsite.com, and/or
 23 its successor registrars and in the possession of plaintiff, as ordered by this court in the temporary
 24 restraining order, dated August 30, 2012, throughout the pendency of this litigation;

25 IT IS FURTHER ORDERED that the registrars godaddy.com and domainsite.com and/or
 26 their successor registrars remove all existing domain name server (DNS) entries and corresponding
 27 addresses, and enter the registrar's default domain name server and address entries to prevent further
 28 damage caused by the infringing use of the infringing domain names.

1 IT IS FURTHER ORDERED that defendants will immediately cease and desist any and all
2 use of plaintiff's name and image and any and all variants thereof, including use of the
3 <billywalterssportspicks.com> and <billywalterssportsbettingpicks.com> infringing domain names
4 and any and all variants thereof;

5 IT IS FURTHER ORDERED that as the JM defendants have posted on their websites
6 <jmpicks.com> and <jmpicks.net> the exact disclaimer language regarding William Walters as
7 ordered in this court's temporary restraining order, the JM defendants have acknowledged awareness
8 of this lawsuit and are therefore deemed served with the Complaint.

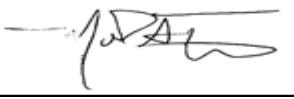
9 IT IS FURTHER ORDERED that defendant shall file, pursuant to 15 U.S.C. § 1116(a), with
10 this court and serve upon plaintiff within thirty (30) days after entry of this order, a report in writing
11 under oath setting in detail the manner and form in which defendant has complied with this court's
12 order; and

13 IT IS FURTHER ORDERED that the bond posted with this court in the amount of one
14 thousand and no/100 dollars (\$1000.00) shall be applied to this preliminary injunction.

15
16 *James C. Mahan*
17 _____
18 UNITED STATES DISTRICT JUDGE

19 Date September 19, 2012.
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21 Respectfully submitted by:
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23 GREENBERG TRAURIG, LLP
24 
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